

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**



**HURRICANE SANDY ARBITRATION AND  
MEDIATION TRAINING**

July 30, 2014  
Hyatt Regency  
New Brunswick, New Jersey



CHAMBERS OF  
JEROME B. SIMANDLE  
CHIEF JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

July 30, 2014

UNITED STATES COURTHOUSE  
ONE JOHN F. GERRY PLAZA  
P.O. BOX 2797  
CAMDEN, NJ 08101  
(856) 757-5167

Re: Hurricane Sandy Litigation ADR Training Program

Dear Attendees:

On behalf of the United States District Court, I welcome you to the Court's ADR Training Program for the Hurricane Sandy Litigation. Thank you, as court-certified Mediators and Arbitrators under our Local Rules, for taking the time to receive this additional training to increase your knowledge and effectiveness in addressing these cases. Your efforts and skills will bring success to a key part of our Court's efforts to promptly resolve this unprecedented number of cases in the aftermath of the devastating storm.

Our training program today is the result of the hard work of the District of New Jersey's Hurricane Sandy Litigation Committee, which is guiding the Court's management of these cases. The Committee's members are Magistrate Judges Douglas Arpert, Tonianne Bongiovanni, Ann Donio, Mark Falk, Lois Goodman, and Joel Schneider, and District Judges Peter Sheridan and Jerome Simandle, and Chief Deputy Clerk Jack O'Brien. I especially thank Judge Schneider and Judge Goodman for making this day possible, aided by the Ad Hoc Attorney Advisory Committee for ADR training, and by dedicated personnel in our Clerk's Office including Jack O'Brien, Bill Holland, Jim Quinlan, Alain Senatus, and Dena Katz.

This program is for you. Listen, ask questions, engage, enjoy. And thank you for your service to our Court and the litigants who are before it.

Sincerely,

JEROME B. SIMANDLE  
Chief U.S. District Judge

JBS/mm

**DISTRICT OF NEW JERSEY  
SANDY LITIGATION COMMITTEE**

Chief Judge Jerome B. Simandle

Honorable Peter G. Sheridan

Honorable Mark Falk

Honorable Ann M. Donio

Honorable Tonianne J. Bongiovanni

Honorable Joel Schneider

Honorable Lois H. Goodman

Honorable Douglas E. Arpert

Chief Deputy Clerk John O'Brien

**DISTRICT OF NEW JERSEY  
HURRICANE SANDY ARBITRATION AND MEDIATION  
TRAINING AGENDA  
July 30, 2014**

8:15 a.m. - 9:00 a.m.	Sign-In and Breakfast
9:00 a.m. - 9:10 a.m.	Welcome, Introduction and Overview of the Day (Magistrate Judge Schneider)
9:10 a.m. - 9:45 a.m.	Overview of District's Sandy Litigation and Summary of Arbitration and Mediation Programs (Chief Judge Simandle)
9:45 a.m. - 10:15 a.m.	FEMA Presentation (Ramoncito J. deBorja, Deputy Associate Chief Counsel, FEMA Office of Chief Counsel)
10:15 a.m. - 10:45 a.m.	Flood Presentation - Plaintiff's Perspective (Christopher W. Gerold, Esquire)
10:45 a.m. - 11:00 a.m.	Break
11:00 a.m. - 11:30 a.m.	Flood Presentation - Defense Perspective (William Treas, Esquire)
11:30 a.m. - 12:30 p.m.	Panel for Q & A (Dennis Abbott, Esquire, Michael Pacchione, William Treas, Esquire, Eric M. Hurwitz, Esquire, Ramoncito J. deBorja, Esquire, and Russell M. Tinsley)
12:30 p.m. - 1:15 p.m.	Lunch
1:15 p.m. - 1:45 p.m.	Public Adjuster (David R. Charles)
1:45 p.m. - 2:15 p.m.	NFIP Adjuster (A. Daniel Thorne)
2:15 p.m. - 2:45 p.m.	Wind Issues (William F. "Chip" Merlin, Jr., Esquire, Robert T. Trautmann, Esquire, and Seth A. Schmeckle, Esquire)
2:45 p.m. - 3:00 p.m.	Break - Excuse Attorneys
3:00 p.m. - 3:15 p.m.	Case Administration (Jim Quinlan)
3:15 p.m. - 3:30 p.m.	Experience to Date with Sandy Cases (Magistrate Judge Goodman)
3:30 p.m. - 4:00 p.m.	Q & A

## **INDEX OF MATERIALS**

1. In re: Hurricane Sandy Cases Standing Order No. 14-2 (March 24, 2014)
2. Hurricane Sandy Case Management Order No. 1 (March 24, 2014)
3. Hurricane Sandy Case Management Model Discovery Schedule (Prepared by the Hurricane Sandy Litigation Committee)
4. Notice to the Bar re: Reallocation of Sandy Cases (July 15, 2014)
5. District of New Jersey Local Civil Rule of Civil Procedure 201.1 with Appendix M, Guidelines for Arbitration
6. District of New Jersey Local Civil Rule of Civil Procedure 301.1 with Appendix Q, Guidelines for Mediation
7. National Flood Insurance Program (NFIP) – The Sandy Claim Process (FEMA)
8. Important SFIP Policy Provisions and Requirements in Case of Loss
9. The View from FEMA - National Flood Insurance Program (NFIP)
10. Flood Issues from Plaintiff's Perspective (July 30, 2014)
11. Flood Issues from Defense Perspective (July 30, 2014)
12. NFIP Adjuster Claims Manual: Table of Contents (Revised June 2010)
13. FEMA Claims Guidance
  - a. Interplay Between the Extension of the Proof of Loss Deadline for NFIP – Insureds Damaged By Sandy and the 1-Year Statute of Limitations (November 21, 2013)
  - b. Claim Guidance - Sandy Supplemental Claims (May 16, 2013)
  - c. Proper Invocation and Usage of the Appraisal Clause Provisions in the Standard Flood Insurance Policy (May 15, 2013)
  - d. Water, Moisture, Mildew, or Mold Damage (February 15, 2013)
  - e. Conditional and Partial Waiver of Loss Requirement in SFIP and One Year Extension (November 9, 2012)
  - f. Wind vs. Water - Adjusting Practice (March 4, 2010)

- g. Flood Insurance Claims Guidance (September 25, 2008)
  - h. Flood Damage-Resistant Materials Requirements-Technical Bulletin 2 (August 2008)
  - i. Wind/Water Investigative Tips (February 25, 2008)
14. Memorandum of Commonly Occurring Issues in Wind Claims -- Plaintiff's Counsel's Perspective (July 23, 2014)
  15. List of Commonly Occurring Issues in Non-NFIP Cases ("Wind") Submitted on Behalf of Defendant Insurers (July 23, 2014)
  16. Personal Insurance Issues -- View From the Defense Bar
  17. Fifteen (15) Steps to Better Arbitrations/Mediations in Storm Events--Merlin Law Group

#### ADDENDUM

Biographies of Non-Judicial Panelists